



MEMORANDUM

To: The Honorable Morris E. Lasker, Senior U.S. District Judge
From: Jeffrey Smith, Senior U.S. Probation Officer
Re: James T. Richards
Dkt.# 03-CR-10367
Date: April 14, 2008

The purpose of this memorandum is to update Your Honor on the above-captioned individual's term of supervised release. Additionally, the probation department is writing to obtain permission for the defendant to file a motion through his attorney in the Salem Probate and Family Court. Your Honor may recall that the defendant appeared before the Court on January 10, 2007, having previously pled guilty to Mailing Threatening Communications, in violation of 18 U.S.C. § 876 (Five Counts). He was sentenced to 50 months of imprisonment to be followed by 36 months of supervised release. Mr. Richards commenced his term of supervised release on June 8, 2007.

Since commencing his term of supervised release, the defendant has abided by the terms and conditions imposed by the Court. He is currently engaged in outpatient therapy and compliant with his medication requirements. Mr. Richards is receiving Social Security Disability Income and is currently searching for part-time employment. His family members have reported no issues or negative changes in his behavior since he was released from custody.

Mr. Richards has requested permission to re-visit his child custody matter in the Salem Probate and Family Court and has requested permission to file the motions that have been attached to this memorandum. The probation department has spoken at length with the defendant's treatment provider and his attorney to weigh the positives and negatives of this request. While a significant source of the defendant's stress has come from his legal battles in the Probate Court, all parties agree that this process is better attempted while the defendant has the assistance of his legal counsel, treatment provider, and the probation department. To deny the defendant the ability to pursue this matter could likely create more hostility and result in the defendant pursuing this in an inappropriate manner. The probation department believes that by allowing the defendant to pursue these matters while under supervision, a better ability to monitor his behavior and intervene exists.

The probation department has spoken with the defendant's attorney to discuss the most effective way to monitor the defendant's filings with the Salem Family and Probate Court. It has been agreed by all parties that the defendant will need to provide any motions to his defense counsel and the probation department and will need the approval of both probation department and the Court prior to sending anything to the Probate Court. If at any time the defendant is not compliant with the terms of his supervision, the probation department will not allow him to continue in this process.

As mentioned above, the defendant and his attorney have drafted the attached motions for the Court's review. The first motion is simply a motion to allow the filing of subsequent motions that involve the assignment of a judicial officer and the issue of supervised visitation.

If Your Honor agrees with the probation department's recommendation to allow the defendant to submit the attached motions in the Salem Probate and Family Court under the terms that have been described, could you please indicate by endorsing below.

If Your Honor has an additional questions, please contact me at 617-748-9199. Thanks for your continued support in this very difficult case.

Reviewed and Approved by:



Brian McDonald

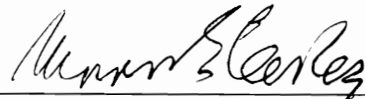
Supervising U.S. Probation Officer

Date: 4.14.2008

☒ I Concur, the defendant may submit the enclosed motions

☐ I Do Not Concur

☐ Other _____



The Honorable Morris E. Lasker

Senior U.S. District Judge